

## UNITED STATES DISTRICT COURT

for the  
District of South Dakota

In the Matter of the Search of:

Case No. 5:21-mj-172

USA v. 21-145-05

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

SEE "ATTACHMENT A", which is attached to and incorporated in this Application and Affidavit

located in the District of South Dakota, there is now concealed *(identify the person or describe the property to be seized)*:

SEE "ATTACHMENT B", which is attached to and incorporated in this Application and Affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

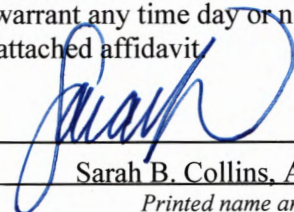
The search is related to a violation of:

*Code Section*  
 18 U.S.C. §§ 2251, 2252, 2252A

*Offense Description*  
 Possession, Receipt or Distribution of Child Pornography

The application is based on these facts:

- ☒ Continued on the attached affidavit, which is incorporated by reference.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.  
☐ Your applicant requests that no notice be given prior to the execution of the search warrant, i.e., "no knock", the basis of which is set forth in the attached affidavit.  
☐ Your applicant requests authorization to serve the search warrant any time day or night pursuant to Fed. R. Crim. P. 41(e)(2)(A)(ii), the basis of which is set forth in the attached affidavit.

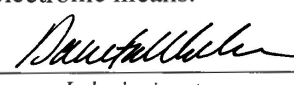
  
 Sarah B. Collins, AUSA

*Printed name and title*

Sworn to before me and: ☐ signed in my presence.

☒ submitted, attested to, and acknowledged by reliable electronic means.

Date: 11/16/21

  
*Judge's signature*

City and state: Rapid City, SD

Daneta Wollmann, U.S. Magistrate

*Printed name and title*

## UNITED STATES DISTRICT COURT

for the  
District of South Dakota

In the Matter of the Search of:

USA v. 21-145-05

)  
) Case No. 5:21-mj-172  
)

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of South Dakota (identify the person or describe the property to be searched and give its location):

See **ATTACHMENT A**, attached hereto and incorporated by reference

I find that the affidavit, or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

Evidence of a crime in violation of 18 U.S.C. §§ 2251, 2252, 2252A as described in **ATTACHMENT B**, attached hereto and incorporated by reference.

I find that the affidavit, or any recorded testimony, establishes probable cause to search and seize the person or property.

**YOU ARE COMMANDED** to execute this warrant on or before 11-30-21 (not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m. ☒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Daneta Wollmann.  
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for \_\_\_\_\_ days (not to exceed 30). ☐ until, the facts justifying, the later specific date of \_\_\_\_\_.

☐ I find that good cause has been established to authorize the officer executing this warrant to not provide notice prior to the execution of the search warrant, i.e., "no knock".

Date and time issued: 11/16/ at 10:30am

City and state: Rapid City, SD



Judge's signature

Daneta Wollmann, U.S. Magistrate

Printed name and title

## Case No.:

Date and time warrant executed:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

Executing officer's signature

Printed name and title

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

IN THE MATTER OF THE SEARCH  
OF:

USA vs. 21-145-05

Case No. 5:21-mj-172

**Filed Under Seal**

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

State of South Dakota    )  
  ) ss  
County of Pennington    )

I, Brian Freeouf, Special Agent of the South Dakota Division of Criminal Investigations, being duly sworn, states as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I, Brian Freeouf, am a Special Agent employed with the South Dakota Division Criminal Investigations I began my law enforcement career with the Pennington County Sheriff's Office in July of 2005. I spent approximately 3 years on patrol in the contract community of Wall, SD. I was then assigned to the patrol division in Rapid City in 2008. I was promoted to the rank of Senior Deputy, in July of 2010. I also spent time as a School Liaison Officer and Criminal Investigations Division as a Property Crimes Investigator. Even though I was assigned as a Property Crimes investigator I also investigated other crimes but not limited to homicides, rapes, assaults, and coroner duties. My other assignments within the Sheriff's Office include Deputy Coroner, Field Training

Deputy, and Defensive Tactics Training Administrator. Since November of 2014 I have been assigned to the ICAC Task Force (Internet Crimes against Children). The investigations worked by this unit include child pornography, solicitation of minors, sexual exploitation of minors, disseminating harmful materials to minors, and human trafficking. Since January of 2020, I have been working for the South Dakota Division of Criminal Investigations as a special agent. I am still assigned to the ICAC Task Force and continue investigations as listed above.

2. I am aware that 18 U.S.C. §§ 2251, 2252, and 2252A prohibit the production, distribution, receipt, and possession of visual depictions of a minor engaging in sexually explicit conduct, using any means or facility of interstate or foreign commerce, including by computer or utilizing the internet.

3. I have investigated and assisted in the investigation of many cases involving the manufacture, possession, receipt, and distribution of child pornography in violation of federal law, including 18 U.S.C. §§ 2251, 2252, and 2252A. During my law enforcement career, I have become familiar with the *modus operandi* of persons involved in the illegal production, distribution, receipt, and possession of child pornography. Based on my experience and training, I am knowledgeable of the various means utilized by individuals who illegally produce, distribute, receive, and possess child pornography.

4. The facts set forth in this affidavit are based on my personal knowledge; knowledge obtained from other individuals, including other law enforcement officers; interviews of persons with knowledge; my review of documents, interview reports and computer records related to this investigation;



communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience. This affidavit contains information necessary to support probable cause for this application and does not contain every material fact that I have learned during the course of this investigation; however, no information known to me that would tend to negate probable cause has been withheld from this affidavit.

5. This affidavit is in support of my request to search Facebook Account number 100071056411605, username “Jesse Young” (hereinafter also referred to as the SUBJECT ACCOUNT) for violations of 18 U.S.C. §§ 2251, 2252, and 2252A.

#### **PROBABLE CAUSE**

6. Beginning on August 6, 2021, the South Dakota ICAC, DCI along with HSI and other law enforcement agencies, set up an operation to target online predators during the 2021 Sturgis Bike Rally, in western South Dakota. As a part of the operation law enforcement agents put out multiple advertisements on online websites and mobile application or “apps”.

7. In an effort to combat online predators throughout the year, agents are proactive with online accounts and undercover persona’s that are maintained by the agents. South Dakota Division of Criminal Investigations Special Agent Jackson Brown was using his undercover persona on the application “Skout”. Skout is a proprietary Android and iOS mobile app available without charge. It is a form of anonymous social media, allowing users to post and share

photo and video messages anonymously. Agent Brown's persona was of a 13-year-old girl.

8. On August 6, 2021, Agent Brown created his persona on the application a picture using the name Kara Jensen. On August 7, 2021, during the early morning hours, the Skout user "Jesse Young" showing an age of 36 and a location of Box Elder, SD responded to Agent Brown's persona by liking the persona's age-regressed picture, which was of a female who was associated with law enforcement, and saying "Cute". The two started to chat on the Skout application and then moved to text messaging on the afternoon of August 7, 2021 after Young provided a phone number, 605-277-1160 which was identified as a Voice Over IP (VOIP) phone number which was not maintained by a carrier.

9. On August 7, 2021, during the afternoon, the conversation continued. Agent Brown told the subject his persona was 13 years old. After that and throughout the chats Young said, "Lets fuck then". Young also said "I'll let you sit on my lap and you can grind on it while it gets hard touch it put it in your mouth" "Then IL remove your panties and lick it". Young also said "And if you want only if you want I'll slide my cock in". Eventually Young sent a digital photograph of a male's penis and a video file of a male touching his penis.

10. On August 7, 2021, at about 5:10 PM, the subject showed up at the meet location. Young drove around the area and parked in a couple nearby parking lots. Young drove to the area of Taco Bell where law enforcement contacted him and took him into custody. Young was identified as Jesse James Young.

11. Young was transported to Homeland Security Investigations and interviewed by SA Brown. Young admitted to chatting with Agent Brown's undercover persona and admitted to sending sexual messages. Young said Agent Brown's undercover persona told him she was 13 years of age. Young also admitted to sending Agent Brown's undercover persona a digital photograph of his penis and a video file of him touching his penis. Young told Agent Brown that he traveled to the area of the West Middle School to meet with Agent Brown's undercover persona.

12. Scout is an internet application which operates solely on the internet and Young utilized Voice Over IP to text message with the UC agent which also only operates over the internet.

13. In addition, two other agents were also chatting with Young starting on August 7, 2021, also posing as minor females. Young also admitted to engaging in those chats and admitted knowing they were minors, and the communications were sexual in nature.

14. After his arrest, Young's device seized from him upon his arrest was searched as authorized by a federal search warrant. During the search, the forensic examiner located Facebook Account number 100071056411605 with username "Jesse Young." Within that account, the forensic examiner located an image appearing to be child pornography depicting a young-appearing female's vagina and labia. The image was located in Facebook communications. In addition, the examiner located other communications in which Young was trying to meet individuals to engage in sexual activities using his Facebook account.



The forensic examiner was able to determine the SUBJECT ACCOUNT belonged to Young because that account was located on Young's cell phone, seized from his person upon his arrest. In addition, I observed an image in the account that matched his booking photo.

**INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

15. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

**REQUEST/JUSTIFICATION FOR ORDER OF NONDISCLOSURE**

16. The United States respectfully applies for an order of permanent nondisclosure to Facebook under 18 U.S.C. § 2705(b) regarding the account associated with Facebook Account number 100071056411605, username "Jesse Young." The United States is seeking this search warrant for user information, including all names, addresses, IP addresses, including historical, telephone numbers, other email addresses, information on length and types of services and any means of payment related to these accounts under the authority given by 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A). Based on § 2703(c)(3), the United States is not required to provide notice to the subscriber. Under §

2705(b), the United States may apply to the court for an order commanding Facebook not to notify the subscriber of the existence of the search warrant. The court may decide what length of time shall apply to the order of nondisclosure if the court determines the notification to the subscriber could result in one of the five factors listed in the statute, which includes destruction of or tampering with evidence. 18 U.S.C. § 2705(b)(3). The basis for the request is that such disclosure could cause any person with access to the accounts, or any related account or account information, to tamper with or modify the content or account information and thereby destroy or tamper with evidence and otherwise seriously jeopardize the investigation. Especially due to the ease of access to Facebook, its content can be modified by persons with internet access and sufficient account information. As such, the United States respectfully requests this Court enter an order commanding Facebook not to notify the users of the existence of this warrant.

**REQUEST FOR SEALING**

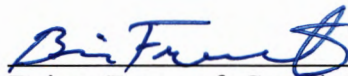
17. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be permanently sealed in that the search warrant is part of an investigation regarding a juvenile. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their disclosure may seriously jeopardize that investigation.

**CONCLUSION**

18. Based on the information above and my training and experience, I respectfully submit there is probable cause to conclude that user Jesse Young did knowingly receive and possess computer files that contained child pornography that had been mailed and shipped and transported in interstate and foreign commerce by any means, including by computer, and that were produced using material that had been mailed and shipped and transported in interstate and foreign commerce by any means, including by computer, all in violation of 18 U.S.C. §§ 2252A(a)(2)(A) and 2252A(a)(5)(B). Furthermore, I submit there is probable cause to search the property and persons described in Attachment A for contraband, evidence, fruits, and instrumentalities of those offenses. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A).

19. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

Dated: 11/16/21

  
\_\_\_\_\_  
Brian Freeouf, Special Agent  
South Dakota Division of Criminal  
Investigations

SUBSCRIBED and SWORN to in my presence  
this 16th day of November, 2021.

  
\_\_\_\_\_  
DANETA WOLLMANN  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

**Property to Be Searched**

This warrant applies to information associated with the Facebook Account number 100071056411605, username “Jesse Young” that is stored at premises controlled by Facebook Inc. that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California.

**ATTACHMENT B**

**Particular Things to be Seized**

**I. Information to be disclosed by Facebook**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user IDs listed in Attachment A:

- (a) All contact and personal identifying information for Facebook Account number 100071056411605, username "Jesse Young," to include full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user



identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (i) All information about the Facebook pages that the account is or was a "fan" of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user's access and use of Facebook Marketplace;
- (m) The types of service utilized by the user;

- (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C. §§ 2252A(a)(2)(A) and 2252A(a)(5)(B) for the user IDs identified on Attachment A.

(Please fill out this form and return it with your subpoenaed records. It may avoid the necessity of someone from your office having to appear at trial and testify as to the authenticity of the records. Thank you)

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC RECORDS**  
**PURSUANT TO FEDERAL RULES OF EVIDENCE 902(11) AND 902(13)**

I, \_\_\_\_\_, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by

\_\_\_\_\_, hereinafter PROVIDER), and my title is \_\_\_\_\_.

I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of PROVIDER. The attached records consist of (generally describe records, i.e., number of pages/CDs/megabytes)

\_\_\_\_\_  
\_\_\_\_\_.

I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of PROVIDER, and they were made by PROVIDER as a regular practice; and

b. such records were generated by PROVIDER'S electronic process or system that produces an accurate result, to wit:

1. the records were copied from electronic device(s), storage medium(s), or file(s) in the custody of PROVIDER in a manner to ensure that they are true duplicates of the original records; and

2. the process or system is regularly verified by PROVIDER, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature